THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.22922 OF 2007

DATED: 30-10-2007

BETWEEN

Anumolu Venkata Mutta Rao,
S/o. Lakshminarayana,
R/o. Tiruvuru Village,
Krishna District.

...PETITIONER

AND

The Mandal Revenue Officer,
Tiruvuru Mandal, Krishna District
and others.

...RESPONDENTS

ORDER:

Petitioner claims to be the owner of an extent of Ac.6.50 cents of lands in Sy.Nos.277/17, 18 and 19 of Mallela Village, Tiruvuru Mandal, Krishna District having purchased the same vide registered sale deed. While so, the Tahsildar, Tiruvuru Mandal issued a notice to the petitioner under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Rules, 1977 as to why he shall not be summarily evicted on the ground that the said land was originally assigned in favour of Kaplivali Maheswara Rao, Gotteti Veeramma and Ummadi Gopaiah of Mallela Village but the said assigned land has been alienated in contravention of sub-section (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and that the petitioner purchased the said land in contravention of the provisions of the Act. Accordingly, order dated

23.08.2007 in Rc.A/SR.No.17/MLL/2007 was passed resuming the land to Government custody. Aggrieved by the said order the petitioner filed an appeal before the Revenue Divisional Officer along with application for grant of stay.

2. The grievance of the petitioner is that second respondent while admitting the appeal rejected the stay application by order dated 11.09.2007 in Rc.A.158/2007 in POL.Appeal 1/PVR/2007. As against the said rejection order, the petitioner filed a revision before the Joint Collector but the revisional authority has not passed any order. Petitioner submits that when a statutory appeal has been filed there is no justification on the part of the appellate authority in refusing to grant stay while admitting the appeal. He further submits that though the remedy of revision has been availed, the revisional authority has failed to exercise the powers; therefore, he has no other efficacious alternative remedy except approaching this Court.

3. I am of the opinion that when a statutory appeal has been filed and when the valuable right of the petitioner is sought to be taken away, the appellate authority ought to have considered protecting the interest of the petitioner pending disposal of the appeal.

4. Having regard to the facts and circumstances of the case,
the second respondent – Revenue Divisional Officer is directed to consider and dispose the appeal filed by the petitioner after giving reasonable opportunity to the petitioner and pending disposal of the appeal status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

October 30, 2007
DSK